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14 **Attorneys for Defendants**
15 **KPMG LLP, KPMG PENSION**
16 **PLAN, KPMG PARTNER**
17 **RETIREMENT SAVINGS PLAN,**
18 **KPMG MONEY PURCHASE PLAN,**
19 **AND KPMG RETIREMENT**
20 **ALLOWANCE PLAN**

21 **UNITED STATES DISTRICT COURT**
22 **DISTRICT OF NEVADA**

23 **CHARLOTTE A. THRALL,**

24 **Plaintiff,**

25 **vs.**

26 **PRUDENTIAL INSURANCE**
27 **COMPANY OF AMERICA;**
28 **PRUDENTIAL LIFE INSURANCE**
COMPANY; KPMG RETIREMENT
ALLOWANCE PLAN; and DOES 1-X,
Inclusive,

Defendants.

Case No. 3:05-cv-067-RAM

FINAL JUDGMENT
IN FAVOR OF DEFENDANTS
KPMG LLP, KPMG PENSION
PLAN, KPMG PARTNER
RETIREMENT SAVINGS PLAN,
KPMG MONEY PURCHASE PLAN,
AND KPMG RETIREMENT
ALLOWANCE PLAN

WHEREAS, on February 1, 2005, Plaintiff filed her original Complaint in this action, asserting claims against (a) KPMG LLP, (b) KPMG Pension Plan, KPMG Partner Retirement Savings Plan, and KPMG Money Purchase Plan (collectively, "KPMG Pension Plans"), and (c) Prudential Insurance Company of America and Prudential Life Insurance Company (collectively, "Prudential"), for

1 breach of contract, violation of unfair claims practices, breach of duty of good faith
2 and fair dealing, negligence, and ERISA plan benefits;

3 WHEREAS, on March 31, 2005, KPMG LLP and the KPMG Pension
4 Plans filed their motion to dismiss Plaintiff's claims against them;

5 WHEREAS, on August 11, 2005, this Court entered an order dismissing
6 with prejudice Plaintiff's: (1) breach of contract, violation of unfair claims practices,
7 breach of duty of good faith and fair dealing, and negligence claims against all
8 Defendants; and (2) Plaintiff's ERISA claim against KPMG LLP ("August 2005
9 Order");

10 WHEREAS, on October 31, 2005, the KPMG Pension Plans filed their
11 Motion for Judgment on the Pleadings Under Fed. R. Civ. P. 12(c);

12 WHEREAS, on December 23, 2005, this Court entered an order
13 dismissing Plaintiff's claims against the KPMG Pension Plans with prejudice
14 ("December 2005 Order");

15 WHEREAS, on January 10, 2006, Plaintiff filed her First Amended
16 Complaint, asserting a claim against KPMG Retirement Allowance Plan ("KPMG
17 RAP") and Prudential for ERISA plan benefits;

18 WHEREAS, on January 18, 2006, KPMG RAP moved to dismiss
19 Plaintiff's claim against it;

20 WHEREAS, on June 19, 2006, this Court dismissed Plaintiff's claim
21 against KPMG RAP with prejudice ("June 2006 Order"), and entered judgment in
22 favor of KPMG RAP; and

23 WHEREAS, this Court has considered the papers, arguments of counsel,
24 and all other matters presented to the Court,

25 IT IS ORDERED, ADJUDGED, AND DECREED, that: (1) Plaintiff
26 take nothing by her Complaint and First Amended Complaint (collectively,
27 "Complaints") as against KPMG LLP, the KPMG Pension Plans, and KPMG RAP
28 (collectively, "KPMG"); (2) Plaintiff's Complaints be dismissed on the merits and

1 with prejudice as against KPMG, for the reasons stated in the August 2005, December
2 2005, and June 2006 Orders; (3) final judgment on Plaintiff's Complaints be entered
3 for KPMG; and (4) KPMG is the prevailing party.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that: (1)
5 there is no just reason for delay of the entry of final judgment dismissing KPMG from
6 Plaintiff's Complaints; (2) these adjudicated claims are separate and unrelated to any
7 of the claims remaining to be litigated; and (3) the immediate entry of judgment
8 pursuant to Fed. R. Civ. P. 54(b) dismissing Plaintiff's claims against KPMG serves
9 the interests of justice and judicial administration in that any appeal of the judgment
10 will not implicate any issue remaining in this action.

11 IT IS SO ORDERED:

12 DATED: June 22, 2006



Hon. Robert A. McQuaid
United States Magistrate Judge

14 Presented by:

15 SIDLEY AUSTIN LLP

16 By: 
17 Joshua E. Anderson

18 Attorneys for Defendants KPMG LLP,
19 KPMG Pension Plan, KPMG Partner
20 Retirement Savings Plan, KPMG Money
21 Purchase Plan, and KPMG Retirement
22 Allowance Plan

23 By: /s/
Matthew L. Sharp

24 Attorneys for Plaintiff Charlotte A. Thrall

25 DATE: June 21, 2006
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